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Attorneys for Plaintiffs
PACIFICANS FOR A SCENIC COAST;
PACIFICANS FOR HIGHWAY 1 ALTERNATIVES;
CENTER FOR BIOLOGICAL DIVERSITY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PACIFICANS FOR A SCENIC COAST, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 3:15-cv-02090-VC

**DECLARATION OF DAWN EDBERG
IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF
ATTORNEYS' FEES AND COSTS**

Hearing date: September 21, 2017

Time: 10:00 a.m.

Location: Courtroom 4, 17th Floor

I, Dawn Edberg, hereby declare and state under penalty of perjury that the following facts are

1 true and correct:

2 1. The facts set forth in this declaration are based on my personal knowledge and if called
3 as a witness, I could and would competently testify thereto under oath. As to those matters that reflect
4 an opinion, they reflect my personal opinion and judgment upon the matter. I submit this declaration in
5 support of Plaintiffs' Motion for Attorneys' Fees and Costs, which seeks an award of attorneys' fees
6 under the Endangered Species Act (ESA).

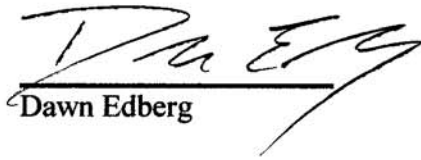
7 2. I hold a B.A. in Liberal Arts from San Diego State University. I have worked as a
8 paralegal since 1984. I have held positions as a Senior IP Litigation Paralegal for law firms and
9 technology clients in the Silicon Valley peninsula of Northern California, as a trial paralegal in cases
10 before the United States District Court for the Northern District of California, and as a paralegal
11 assisting on environmental cases. I also served as a case manager in placement of expert witnesses as
12 well as case management services to the legal profession in areas of high-technology. Attached hereto
13 as Exhibit 1 is a true and correct copy of my current resume, which accurately sets forth my professional
14 and educational background.

15 3. My 2017 paralegal rate is \$275 per hour. In setting my hourly rate, I have consulted with
16 Christopher Sproul and Brian Gaffney and reviewed the Declaration of Michael Lozeau ("Lozeau
17 Declaration") and Declaration of Christopher Sproul ("Sproul Declaration") submitted in support of
18 Plaintiffs' Motion for Attorneys' Fees and Costs. As reflected in the Lozeau Declaration and Sproul
19 Declaration, my rate is well within the prevailing market rates for a paralegal with experience
20 comparable to mine.

21 4. Attached as Exhibit 2 is a true and correct copy of time records that I personally and
22 contemporaneously have kept for the hours I have worked on this case. As reflected in Exhibit 2, my
23 work on this matter involved fact and legal cite checking, editing and formatting of legal briefs for filing
24 with the Court, review of responsive Coastal Commission PRA (Public Record Act) documents and
25 conversion to PDF, comparison of documents received from the California Coastal Commission and the
26 City of Pacifica pursuant to the Public Record Act to the Administrative Records prepared by each
27 Defendant, and preparation of declaration exhibits, including but not limited to exhibits for Plaintiffs'
28 motion for attorneys fees and costs. In Exhibit 2, I have divided the time spent on this matter by the

1 specific legal claim and task to the extent reasonably possible. The attached time records reflect hours
2 which I cut in exercising billing judgment, and for which Plaintiffs are not seeking compensation. I have
3 reviewed my time records and exercised billing judgment by writing-off time that I considered
4 inefficiently spent or in furtherance of billing judgment.

5
6 Executed in Pacifica, California on May 23, 2017.

7 
8 Dawn Edberg
9

EDBERG DECLARATION

EXHIBIT 1

DAWN E. EDBERG

edbergd@mac.com

EDUCATION: SAN DIEGO STATE UNIVERSITY
B.A. 1982, Dean's List, High Honors program (Emphasis: Teaching Credential Program, Special Education)

EXPERIENCE:

6/09-present *CONTRACT ADMINISTRATIVE AND LEGAL SERVICES*

3/06-6/09 *NATIONAL EXPERT WITNESS NETWORK, Redwood Shores, CA*

Case Manager

Responsible for NEWN's case management of complex litigation support projects for nationwide expert witness service for the legal profession, specializing in high technology expertise. Consultants are academics and industry practitioners who have realized high academic achievement. Responsibilities include providing a comprehensive range of support services with an emphasis in the analysis of technology issues that are relevant to intellectual property matters with particular focus on patent infringement.

- Recruitment and placement of technology Expert Witnesses.
- Research and implementation of Web Video Conferencing for client and expert interface.
- Oversee local office management to include hiring and training of administrative personnel.
- Collections, Case Management, Client Relations, Contract drafting and negotiation under supervision of managing attorney.

10/05-2/06 *INTEL CORPORATION, Santa Clara, CA*

Senior Litigation Paralegal

Assist in-house lawyers with IP patent litigations. Responsible for document collection, document management, and 3rd party subpoena compliance.

2003-2005: Travel sabbatical: Spain, Germany, Europe, kayaking at the Channel Islands

1996-8/03: *HOWREY SIMON ARNOLD & WHITE, Menlo Park, CA*
(2005 temp assignment as litigation secretary)

Senior Litigation Paralegal

Responsible for complex case management of antitrust, patent, copyright, and trade secret litigation. Duties included document production, client interviews, client database, document and privilege reviews, legal research, drafting pleadings, supervision of case assistants, trial and hearing court appearances, trial and discovery preparation, witness preparation, case binder systems.

Achievements:

- Design of and seminar on litigation calendaring program based on Fed. R. Civ. P. and Local Rules for Northern District of California specific to patent infringement actions.
- Assisted with seminar on document production, privilege review, changing legal environment of electronic discovery, document retention policies and records management.
- Lead paralegal for two copyright and trade secret infringement trials, which resulted in successful verdicts (one trial for OSCAR-winning clients).
- Designed client specific database for cross-licensing patent portfolio
- Recipient of Howrey Star Awards for recognition of professional excellence.

6/95-6/96: *PETE'S BREWING COMPANY, Palo Alto, CA* (Inc. 500 Microbeer Company)

Sr. Sales Administrator

Sales Administration Lead: Developed program for sales administration. Created and implemented Pete's Sales Administration Team to lead seven regional offices nationwide. Set up regional offices and computer systems. Designed and implemented training program for administrators on all sales departmental functions and computer software. Prepared job descriptions, hiring profiles, company-wide filing system, sales administration tools and procedures.

Manage England Distributor Account: Handled distributor account for England account. Handled all beer orders procedures, shipping and export requirements, forecasting, and client relations.

Sales Planning Support: Back up support to Sales Planning Manager handling administrative needs of corporate sales planning department. Duties included preparation of state-by-state license agreements with distributors.

6/94-6/95: *BROBECK, PHLEGER & HARRISON, San Francisco, CA*

Legal Secretary

Reported to Real Estate Partner handling secretarial responsibilities for real estate practice. Secondary assignments to litigation associates in general civil litigation.

1990-1994: *WILD ZARAGOZA & CAREY, San Francisco, CA:* Insurance coverage disputes, investigations and litigations; professional liability, business, commercial, and personal injury litigation.

Litigation secretary

Worked directly for firm partner, Dennis Zaragoza, and assisted one to four additional attorneys based on firm needs. Responsibilities included both secretarial and paralegal functions: file management, pleading preparation on personal injury actions, proofreading and editing, client contact, trial exhibit and discovery preparation.

1986-11/89: *RONALD P. SCHNEIDER, A LAW CORPORATION, Los Angeles, CA:* Plaintiff personal injury, real estate, corporate, estate law, medical and legal malpractice; Arbiter for Superior and Municipal Court cases.

Legal Assistant

Responsibilities included drafting all discovery requests -- Requests for Production, Interrogatories, Requests for Admissions -- and responses thereto; preparation of personal injury complaints; drafting settlement demand letters and written negotiations with clients and insurance companies; settling property damage claims on personal injury actions; initial client interviews; investigative work such as obtaining recorded statements from witnesses.

1984-9/86: *BARROWS & SISUN, P.C., Denver, Colorado:* Insurance defense with emphasis in construction and asbestos litigation; smaller percentage of practice involved large settlement plaintiff personal injury litigations.

REFERENCES Available upon request

DAWN E. EDBERG
edbergd@mac.com

Paralegal

Responsibilities included: attending case meetings, drafting discovery and correspondence, summarizing depositions, legal research, trial preparation, court hearing and trial attendance, locating witnesses and obtaining witness statements, collecting medical, employment and worker's compensation records, preparation of client billing.

2/84-7/84: *PAGE PRODUCTIONS, Denver, Colorado:* Music production/booking agency

Office Administrator

Developed filing system for office; light bookkeeping; collections and payroll distributions; handled negotiations between agencies, clubs and musicians; operated video and sound equipment for musician demo taping sessions.

1982-2/84: *RICHARD WEINGARDT CONSULTANTS, INC., Denver, Colorado:* Engineering Consultants

Receptionist/Secretary

General secretarial duties: answering phones, greeting clients, appointment scheduling, mail distribution, project research, production secretarial overflow, right-hand to office manager and company president.

1978-1982: *SAN DIEGO CITY SCHOOL DISTRICT:* Teacher's Assistant, instructional aide, group teacher, and tutor of geography and history for sixth grade students.

1975-1976: *PRIVATE TUTOR 4TH GRADE:* Tutor in phonetics, spelling, and reading.

REFERENCES Available upon request

DAWN E. EDBERG
edbergd@mac.com

EDBERG DECLARATION

EXHIBIT 2

PSC v. Caltrans

Case # 15-CV-02090-VC

Exh. 2 to Edberg Decl.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Attorney	Date	Description	Hours	Billing Discretion - n - claims dismissed & time cut)	CZMA (Claim 6)	Adjusted time (after billing discretion & CZMA cut)	General Litigation Caltrans Only	Caltrans ESA (Claims 1 & 3) only	ESA & APA (Claims 1, 3 & 5) Time indivisible (50/50 split)	General litigation 50/50 split	NEPA (Claim 4)	DOTA (Claim 7)	Fees CT only	Fees CT & FWS 50/50 split	Fees FWS only	General Litigation FWS only
Edberg	3/5/15	Paralegal - ESA & CWA notice Preparation and assembly	3.00	1.50		1.50			1.5							
Edberg	9/10/15	Paralegal - Opp to CT Motion to Dismiss - legal formatting, case citation check	3.25			3.25	3.25									
Edberg	10/19/15	Pacer Docket download for attorney review (0.2); index case file (1.05)	1.25			1.25				1.25						
Edberg	11/23/15	Review file and prepare index of case	0.75			0.75				0.75						
Edberg	12/22/15	Update case index and case filing	0.50	0.50		0.00										
Edberg	1/21/16	compare state case index to federal case; prepare results for attorney review	0.25	0.25		0.00										
Edberg	2/19/16	Prepare index of City of Pacifica PRA documents.	5.00			5.00	5.00			5.00						
Edberg	2/23/16	Document Review at Coastal Comm with Gaffney	5.00			5.00				5.00						
Edberg	2/25/16	Prepare digital versions of document production and upload for lawyer review; update index accordingly.	3.25			3.25				3.25						
Edberg	2/26/16	Prepare Google Drive account and upload document production; review and rename for lawyer review; comparison of recent production documents re location in AR per lawyer review	1.75			1.75				1.75						
Edberg	3/10/16	Case filing	0.75			0.75				0.75						
Edberg	3/16/16	Format legal pleading for Opening MSJ Brief	0.25			0.25				0.25						
Edberg	5/4/16	Opening SJ formatting, case citation, review for typos and inconsistencies	2.25			2.25				2.25						
Edberg	6/14/16	Prepare cited Opening SJ AR pages and formatting/set-up of Reply Brief	5.25			5.25				5.25						
Edberg	6/15/16	Prepare docket cites, FWS and CT references; meeting with Brian Gaffney; telephone call with printing/scanning service	1.25			1.25				1.25						

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PSC v. Caltrans

Case # 15-CV-02090-VC

Exh. 2 to Edberg Decl.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Attorney	Date	Description	Hours	Billing Discretion - claims dismissed & time cut)	CZMA (Claim 6)	Adjusted time (after billing discretion & CZMA cut)	General Litigation Caltrans Only	Caltrans ESA (Claims 1 & 3) only	ESA & APA (Claims 1, 3 & 5) Time indivisible (50/50 split)	General litigation 50/50 split	NEPA (Claim 4)	DOTA (Claim 7)	Fees CT only	Fees CT & FWS 50/50 split	Fees FWS only	General Litigation FWS only
Edberg	12/6/16	Edit Lozeau Declaration to Fee Motion; prepare Edberg Declaration; revise Perry time entries	1.25			1.25								1.25		
Edberg	12/7/16	Revise Lozeau Declaration; email Brian Gaffney re same	0.50			0.50								0.50		
Edberg	12/8/16	Revise Edberg Declaration; email Brian Gaffney re same	0.25			0.25								0.25		
Edberg	12/13/16	Prepare edits to Edberg Declaration; edit MPA re Attorneys' Fees	1.50			1.50								1.50		
Edberg	12/16/16	Prepare Hours spent conferring, Fee Time calculations, and time conferring on merits information for attorney review; update Edberg time; prepare email to Gaffney re same	2.75			2.75								2.75		
Edberg	1/5/17	Fees: Update new master Attorney Time spreadsheet with new time, column headings, adjusted paralegal rates	1.00			1.00								1.00		
Edberg	1/5/17	Fees: Revise Gaffney Declaration for Attorney Fees; prepare TOA and TOC for MPA	1.75			1.75								1.75		
Edberg	1/10/17	Fees: Update Attorney Fee exhibit; telephone call with Gaffney re paralegal time for BG; update Weisselberg time and prepare emails re same	1.50			1.50								1.50		
Edberg	1/11/17	Fees: Telephone call with Gaffney re revisions to Fee Exhibit; Revise Fee Exhibit with Gaffney and Weisselberg edits (2.00); Prepare Time Spent Conferencing Comparison for attorney review; prepare email to Gaffney re same (4.75)	3.75			3.75								3.75		
Edberg	3/1/17	Prepare edits to TOA and TOC for Fee Motion; prepare email to Gaffney re same	1.30			1.30							1.30			
Edberg	4/21/17	Prepare edits to Fee Motion; prepare email to Gaffney re same	0.25			0.25							0.25			

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